

MEMO ENDORSED



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September 28, 2020

Via ECF

Honorable Katherine P. Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Hafeez Saheed v. City of New York, et al.,
17 CV 1813 (KPF)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. I write to respectfully request an extension of time to submit defendants' pretrial submissions, currently due October 2, 2020, until October 7, 2020, assuming plaintiff provides his portion of the Joint Pre-Trial Order ("JPTO") to the undersigned by September 30, 2020. Plaintiff has not indicated whether he consents to this proposal.

Briefly by way of background, on July 10, 2020, Your Honor set a trial date in this matter for November 16, 2020, and ordered pretrial submissions due October 2, 2020. (DE 84) Since that time, due to complications surrounding the ongoing public health crisis, the trial date has been adjourned and parties are to update the Court as to their schedules for spring, 2021 by January 22, 2021. (DE 85, 87) On September 21, 2020, mindful of plaintiff's *pro se* status, the undersigned emailed plaintiff a Word Document with a blank JPTO, tailored to Your Honor's Rules, and indicated which portions plaintiff should fill out. The undersigned requested plaintiff return his portion by September 25, 2020, so that the undersigned could review and object to plaintiff's portion, and return it to plaintiff with sufficient time for plaintiff to then object, prior to the filing date. On September 25, 2020, plaintiff indicated he would return his portion by September 30, 2020. Defendants responded and indicated that if plaintiff could not provide his portion on September 25, 2020, they would write the Court to ask for a week's extension, calculated from when plaintiff does provide his papers.

Defendants cannot submit the JPTO without having had time to review and object to plaintiff's portion. Similarly, it is difficult for defendants to make a final determination on what must be moved *in limine* in the absence of plaintiff's list of witnesses, exhibits, and his descriptions of the claims to be tried. Finally, plaintiff holds the burden of proof in this case, and is prosecuting this matter. The evidence he anticipates to present at trial may impact defendants' defense strategy and what is put forth in the JPTO.

For these reasons, defendants respectfully request an extension until October 7, 2020, assuming plaintiff provides his portion of the JPTO by September 30, 2020, to file their pretrial submissions.

Thank you for your consideration in this regard.

Respectfully submitted,

/s *Melissa Wachs*

Melissa Wachs
Senior Counsel

cc: **Via ECF**
Plaintiff, *pro se*

Application GRANTED. The Clerk of Court is directed to mail a copy of this Order to Plaintiff's mailing address on file.

Dated: September 29, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE